

1 Adopt 2 Cal. Code Regs. section 18531.10 as follows:

2
3 **§ 18531.10. Communications Identifying State Candidates.**
4

5 (a) Definitions. For purposes of Government Code section 85310:

6 (1) A candidate is “clearly identified” if the communication states his or
7 her name, makes unambiguous reference to his or her office or status as a candidate, or
8 unambiguously describes him or her in any manner. [A candidate also is “clearly
9 identified” if the communication contains the voice or a visual depiction of the candidate
10 .] [A candidate is [not] considered “clearly identified” if the candidate’s name is legally
11 required and [there is a single mention of the candidate’s name or the candidate is not
12 singled out in the manner of display].]

13 (2) A communication “expressly advocate[s]” the election or defeat of a
14 candidate as that term is defined in 2 Cal. Code Regs. section 18225, subdivision (b)(2).

15 (3) A communication is “made at the behest” of a candidate as that term
16 is defined in 2 Cal. Code Regs. section 18225.7. **Option A:** [However, for purposes of
17 subdivision (c) of Government Code section 85310 only, a communication that clearly
18 identifies a candidate that is made by a ballot measure committee controlled by that
19 candidate is “made at the behest of the clearly identified candidate.”] **Or Option B:** [For
20 purposes of subdivision (c) of Government Code section 85310, a candidate controlled
21 ballot measure committee that makes a communication clearly identifying the controlling
22 candidate does not make a communication at that candidate’s behest.]

23 (b) The \$50,000 threshold contained in subdivision (a) of Government Code section
24 85310 is met when a person makes or promises to make a payment or payments totaling
25 \$50,000.

1 (c) Communications are subject to subdivision (a) of Government Code section
2 85310 if they occur within 45 days of an election for which the candidate identified is on the
3 ballot.

4 **Subdivision (d) Option A:** [(d) The contribution limit referred to in subdivision (c)
5 of Government Code section 85310 applies to all contributions received by a committee that
6 makes or promises to make payments at the behest of a candidate for a communication
7 described in subdivision (a) of Government Code section 85310, regardless of whether the
8 contributions are used to fund the communication at issue. Once a committee receives a
9 contribution or contributions in excess of the limit referenced in subdivision (c) of
10 Government code section 85310, the committee may not make or promise to make a payment
11 for a communication governed by that subdivision. Any contribution received by a
12 committee that makes a communication described in subdivision (c) of Government Code
13 section 85310 may not be attributed to a person other than the person making the
14 contribution to that committee.] or

15 **Option B:** [(d) The contribution limit of Government Code section 85310,
16 subdivision (c), shall apply to every contribution received by a committee once the
17 committee makes the communication described in subdivision (a) of that section.] or

18 **Option C:** [(d) Pursuant to subdivision (c) of Government Code section 85310, no
19 more than \$25,000 from any single contributor may be used to fund a communication
20 described in subdivision (a) of that section. All payments for a communication governed by
21 subdivision (c) of section 85310 must be made from a separate bank account. Contributions

1 transferred to the account shall be attributed to specific contributors using a “last in, first out”
2 accounting method, and these attributed contributions when aggregated with all other
3 contributions from the same contributor may not exceed the limits set forth in
4 subdivision (c) of Government Code section 85310.

5 (e) The contribution limits applicable to a candidate controlled ballot measure
6 committee under this regulation are subject to periodic adjustment pursuant to Government
7 Code section 83124.

8 NOTE: Authority cited: Section 83112, Government Code.
9 Reference: Section 85310, Government Code.

10
11 I:\LEGAL\regs2004\18531-10.doc